

In re Application of: Krall et al.
Application No.: 09/823,775
Filed: March 30, 2001
Page 4

PATENT
Attorney Docket No.: PROV1100-2

REMARKS

Regarding the Amendments

Claims 1 and 5 have been amended as set forth in the above "Complete Listing of the Claims." These claims have been amended to change the term "fatty acid ester" to "large chain fatty acid ester." Support for this change can be found in the original patent at, for example, col. 2, lines 1-3. Therefore, as amended, the claims are supported by the specification and the original claims. No additional amendments are requested. The amendments set forth herein are made at the request of the Examiner.

Additionally, claims 6-22 have been canceled. It is Applicant's intent to file a reissue divisional application of the present reissue application, as set forth in MPEP 1451, to pursue the subject matter of these claims. Accordingly, cancellation is requested without prejudice.

Terminal Disclaimer

Also at the Examiner's request, a Terminal Disclaimer over issued U.S. Patent No. 6,476,069 is enclosed.

In re Application of: Krall et al.
Application No.: 09/823,775
Filed: March 30, 2001
Page 5


PATENT
Attorney Docket No.: PROV1100-2

CONCLUSION

The Commissioner is hereby authorized to charge Deposit Account 50-1355 in the amount of \$110.00, the fee for filing of the Terminal Disclaimer. No additional fees are deemed necessary. However, if the Commissioner determines that any additional fees are required, the Commissioner is authorized to charge (or apply any credits to) the Deposit Account as listed above. The Examiner is invited to contact Applicants' undersigned representative if there are any questions related to this matter.

Respectfully submitted,

Date: November 5, 2003



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer Number 28213